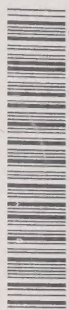


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# PARENT FINDERS INCORPORATED

28 York Valley Crescent, Willowdale, Ontario M2P 1A7 Canada (416) 483-1358

HAND DELIVERED

March 8, 1978.

The Honourable William G. Davis,  
The Premier of Ontario,  
Parliament Buildings,  
Queen's Park,  
Toronto, Ontario.

Dear Sir:

Re: Rights of Adult Adoptees

Thank you for your letter of February 9, 1978, addressed to Mrs. Mary Jane Brinkos, Vice President of Parent Finders Incorporated, following our request to meet with you.

As you have arranged, we will be meeting today with Mr. Gordon McLellan, Executive Director of the Community Liaison and Child Welfare Branch of the Ministry of Community and Social Services.

We respectfully submit the enclosed presentation pertaining to the above matter. We hope that after reviewing the contents, you will see fit to assist us.

In addition to our presentation, we are enclosing the following material for your perusal:

1. Access to Birth Records. A report by Alfred Leeding, London, England.
2. Task Force on Confidentiality In the Adoption Programme, California.
3. The Effects of Sealed Records In Adoption, by Arthur D. Sorosky, M.D., Department of Psychiatry, University of California.

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A  
PRESENTATION  
TO THE  
HONOURABLE WILLIAM G. DAVIS, THE PREMIER OF ONTARIO

BY  
PARENT FINDERS INCORPORATED  
REPRESENTING OVER 600 CONCERNED ADULT ADOPTEES, FOSTERED ADULTS,  
BIRTH FAMILIES (BIOLOGICAL PARENTS, BROTHERS AND SISTERS),  
ADOPTIVE PARENTS AND CONCERNED INDIVIDUALS

REQUESTING CHANGES IN ONTARIO LEGISLATION TO ESTABLISH  
AND RECOGNIZE THE RIGHTS OF ADULT ADOPTEES

March 8, 1978





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A REQUEST FOR CHANGES IN ONTARIO LEGISLATION  
TO ESTABLISH AND RECOGNIZE  
THE RIGHTS OF ADULT ADOPTEES

As adult adoptees we are denied equal rights as realized by other adults in the Province of Ontario.

The following excerpts from The Child Welfare Act and The Vital Statistics Act appear to form the basis of discriminating policy implemented by The Child Welfare Branch of the Ministry of Community and Social Services and The Office of The Registrar General, Ministry of Consumer and Commercial Relations.

1. The Child Welfare Act states in Part IV:

"69. In this Part, "child" means a person whether under twenty-one years of age or twenty-one or more years of age."

"80.(1) The papers used upon application for an adoption order shall be sealed up and filed in the office of the court by the proper officer of the court and shall not be opened for inspection except upon an order of the court or the written direction of the Director."

2. The Vital Statistics Act states in Chapter 483, Section 24-(2):

"If the birth of the person adopted,

- (a) was registered in Ontario before the adoption; or
- (b) is registered in Ontario after the adoption in accordance with this Act,

the Registrar General, upon production of evidence satisfactory to him of the identity of the person together with an application for the registration of the birth in the prescribed form, may by order set aside any registration made pursuant to section 9, 10, 11 or 12 or to this section and cause the substitution of a new registration of the birth in accordance with the facts contained in the adoption order, judgment or decree as if the adopted person had on the date and in the place of birth recorded







in the original registration been born in lawful wedlock to the adopting parent, and cause the original registration to be withdrawn from the registration files and kept in a separate file and sealed, but in every such case, whether or not such an application is made, the Registrar General shall cause a notation of the adoption and of any change of name consequent thereon with a reference to the registration of the order to be made upon the original registration of the birth of the person, and shall cause a reference to the original registration of the birth to be endorsed on the copy of the order, judgment or decree. R.S.O. 1960, c.419, s.25(2); 1964, c.123, s.1."

and Chapter 483, Section 40-(1):

"No certified copy of a registration of birth, death or still-birth shall be issued except to a person authorized by the Registrar General or the order of a court and upon payment of the prescribed fee."

As a result of this legislation, adult adoptees are not able to obtain fundamental information pertaining to birth parents and origin. Non-adopted adults in Ontario may obtain copies of their original birth registration (Statement of Birth) simply by application and payment of fee. The same information is withheld from adult adoptees. This is a denial of our Social Rights and is clearly discriminatory.

We believe that the policies stemming from The Child Welfare Act and The Vital Statistics Act contravene the intent of The Ontario Human Rights Code. This Code states in part:

"And Whereas it is public policy in Ontario that every person is free and equal in DIGNITY and RIGHTS without regard to race, creed, colour, sex, marital status, nationality, ANCESTRY or place of origin."





The Province of Ontario has clearly not kept pace with progressive social legislation. In England, The Adoption Act of 1958 has been amended by The Children Act of 1975. The new Act in England recognizes the right of adopted persons who have attained the age of eighteen years to have access to their personal records (see attached copy of Children Act 1975 (England), Chapter 72, Section 26.).

We are aware of the report entitled "Committee on Record Disclosure to Adoptees" that was presented to The Ministry of Community and Social Services in June, 1976. This report does not deal with the discriminatory aspects of the law as it applies to adult adoptees.

We would like to share with you the words of the Honourable John Diefenbaker taken from his book One Canada; Mr. Diefenbaker wrote:

"What determines the character of a man? Whence does he get his strength to endure, to abide by his principle, and to reject the concept of the impossible in human affairs? It is my conviction that a man is the end product of his ancestors, proximate and remote, that he is endowed at birth with a heritage of character, but that this character may be influenced by fortuitous circumstances."

We want the Government of Ontario to recognize and guarantee our rights as adults. It is our request that your Government amend The Child Welfare Act, The Vital Statistics Act, and Ministerial Policies which fail to recognize us as adults, and, as a result deny adult adoptees equal Social Rights with other adults in Ontario.











*The Association of  
British Adoption &  
Fostering Agencies*

*4 Southampton Row  
London WC1B 4AA  
telephone 01-242 8951*

*Chairman:  
The Rt Rev Mgr James Dunne VG  
Director:  
Jane Rowe*

A C C E S S   T O   B I R T H   R E C O R D S

A R E P O R T

by

A L F R E D   L E E D I N G





## Access to Birth Records

When it became known that this controversial procedure, under Section 26 of the Children Act 1975, was to operate from November 26th 1976, there was consternation all around. First, because it was to be retrospective so that anyone adopted in England and Wales since the passing of the Adoption Act of 1926 would be able, if he wished, to find out the name and occupation of his natural mother - and possibly of his father. Secondly, because of the fear that mothers who had given up a child for adoption would be shrinking behind locked doors, awaiting the dreaded arrival of the child, now grown to adult years. Thirdly because in the early days of the autumn only 121 enquiries had been made by adopted persons themselves. This was before the date fixed for implementation, and should have caused small surprise, but the media ascribed it to a dread of confrontation. "Fear of Emotional Upsets Over 'Reveal All' Adoption Law", said the Daily Telegraph of October 11th 1976, going on to explain how social workers would cushion adoptees against shock and act as intermediaries in the search for natural parents.

Many social workers were apprehensive too. Not only were some of them not convinced of the fairness of the new procedure, reaching back, as it would, over a period of fifty years; they were concerned about the volume of the work which it would bring to hard pressed social work departments. After all, it was estimated that half a million people had been adopted, and even allowing for the fact that some had died, while others had been adopted by their own parent and a step-parent, there would be a very considerable number who might well wish to take advantage of a simple process which would tell them who they were. There was a great deal of publicity, and social workers drew small consolation from the fact that in Scotland (where adopted people had always been able to find out about their origins) the number of applicants for information was very low.

As the introductory Circular IAC(76)21 pointed out, it was not possible to predict the number of adopted people who would elect to be given their compulsory counselling from <sup>by</sup> local authorities, but there was clearly likely to be what the Circular called an 'initial influx'. Social Service Departments braced themselves to meet it; some by setting up special training courses, some by assigning counselling work to selected members of staff, some by beginning to think of appointing additional staff for the purpose. The alternative - delegating the work to voluntary organisations on a sessional basis - does not seem to have commended itself to authorities in general.



In this rather confused situation ABAFA believed that, on the whole, the Scottish experience would be repeated in England and Wales. At the same time, there was likely to be some pressure on social service departments at the outset. It was therefore decided to make a study of the impact of Section 26 on the local authorities in the West Midlands during the period ending March 31st 1977. These local authorities serve a population of about 5,200,000, almost equally divided between four counties (2,400,000) and seven metropolitan districts (2,800,000) so that they are reasonably representative of the country as a whole, with the exception of London.

## 1. The general approach

There seemed to be three kinds of likely demand on local authorities -

(a) from adopted persons asking how they could begin to make enquiries about their original birth records.

(b) from either natural or adoptive parents, or relatives, asking if this new procedure would help them in any way, and

(c) from adopted persons referred by the Registrar General for counselling, before being given the information to which they were now entitled.

In asking the eleven Directors of Social Services for their help in the study, we emphasised that we did not wish any of the work entailed to fall upon their staff. We sent to each of them draft questionnaires covering the three types of likely enquiry, but explained that these were only to be regarded as an indication of the sort of information which would be helpful; they were not meant to be completed by departments themselves, as we were proposing, with the Directors' permission, to collect the data from the departmental records they would no doubt be keeping.

Only one authority felt unable to take part in the study, but fortunately we were able to substitute the counties of Cornwall and Gloucestershire, together with the Kingswood division of the County of Avon. This had little effect on the population figures mentioned above, only pushing the total up to 5,300,000 and the county figure to 2,500,000, as against the 2,800,000 population of the seven metropolitan districts.

## 2. The findings

The story of the impact of Section 26 on these local authorities is soon told. Only two of them found it possible to keep detailed records of enquiries from adopted persons and natural or adoptive families; such enquiries may be made in several ways, some of them almost casually, and the remaining authorities were not able to isolate them specifically from general referrals.

However, the lack of this information is not serious as it is clear from





discussions within departments - and specially with those social workers most likely to be aware of the position - that not many people came to local authorities for initial advice. Only 51 adopted persons are known to have approached the thirteen departments for this kind of help (20 of them coming to county authorities) and only 27 requests for information were made by natural or adoptive relatives (8 being made to county authorities).

It may be assumed from this that in general people have obtained their initial information about the new procedure from such sources as the press, Citizens' Advice Bureaux, ABAFA, adoption societies, and the Registrar General himself. In the few cases in which they have turned to the local authority it has been mainly to one in an urban area, where the office would be more easily accessible.

Adopted persons, once they have made their initial approach to the Registrar General, have the option of being counselled at his special unit in London, or by the local authority in whose area they live, or in which the adoption order was made. In our selected authorities with a total population of 5,300,000 only 291 adoptees were referred for counselling during the first few months of the new procedure, 216 of them to authorities in the West Midlands. This may be expressed as a figure of 51 for every million of population; for Cornwall, Gloucestershire and part of Avon, the figure is somewhat higher at 70 per million, but is still low in comparison with what had been generally expected. While these proportions of referrals to population relate only to the period ending March 31st 1977, and only to thirteen local authorities, their general message can be checked against the figures for the country. In July 1977, after the procedure had been in effect for eight months, just under 5000 adopted people had been referred for counselling, including those preferring to be dealt with at the General Registry Office in London. This is about 100 to a million population, all told.

### 3. The adopted persons referred for counselling

This survey was intended to measure the demands made upon authorities by the new procedure, but the draft form of questionnaire sent to Directors also asked for some basic information about the adopted persons concerned. It was found, however, that in Salop, the authority visited first during the study, the interviewing had been very well done, following some sound preparation of the social workers who were to carry it out. As a result, a good deal of additional information was being recorded; this led to the designing of supplementary questions which were then sent to the other participating authorities, as an indication of the sort of comments which might be made by adopted persons during, or after, the counselling





interview. The questionnaires themselves were not completed by social workers (except in two authorities, where they preferred the direct method), but in all cases the report of the interview was made available; both the facts and the opinions recorded were in almost every case discussed personally with the social worker concerned; they have been summarised under a number of headings, and are set out in the Appendix to this report.

It should be made clear here that there has been no intention that specific questions should be put to persons being counselled, since it was not felt proper to interrogate people who had come - perhaps not altogether willingly - to receive information which they were fully entitled to receive. We are for this reason only able to set out the facts (as disclosed by the Registrar General) together with any observations freely offered during counselling. It follows from this that there are a number of issues on which comment has been made by some adopted persons, but not by others; under some of the headings in the Appendix there are many "not known" or "not stated" entries - so many that this study cannot aspire to recognition as "research", nor can it be expected to provide any <sup>gnt</sup>imported conclusions. But where a high number of comments <sup>is</sup> are made on a particular issue, ~~we were aware~~ this may itself be of some significance.

#### 4. The counselling interview

Although 291 people were referred for counselling during the period under review, only 279 were actually interviewed. Nine people in the West Midlands and one in each of the "other" authorities failed to appear at the appointed time, or to explain their absence. Social workers have interpreted this failure as a sign of anxiety and have dealt with it in different ways. Some have offered a second interview, or even a third; others have felt that it was wiser to close the case, leaving the initiative with the applicant to ask for a later interview if required. The number failing to appear is four in every hundred, which may be considered fairly high in view of the strong motivation to attend for such eminently personal reasons. One authority offered the interview either at the office, or at the applicant's own home, and was pleased to note that over half accepted the latter alternative. This offer of a choice has not been the general practice, though a few other people have been interviewed at home; but in these instances the social worker has felt it necessary to explain why it was done, almost to apologise for it, as being unsuitable for such an important and official matter. There may be something to be said for the practice of giving the applicant the option of being



interviewed at home, in familiar surroundings, rather than assuming that all counselling should be given in an office setting. This alternative might possibly have helped some of the twelve absentees to have overcome their anxiety, if that indeed was the cause of their failure to appear.

5. The applicants (Appendix, paragraph 6)

(a) Sex. 71% of all applicants were women, and there are only minor variations between West Midland and "other" authorities; though men are in a marked minority, it is possible that more men than women have opted for interview at the General Registry Office rather than in their local area.

(b) The youngest person to be counselled was 18, (the minimum age of eligibility) while the eldest was 62. The peak age group was that of 30-39; 77% of these applicants have had children, but even more, (about 80%) of the applicants in the higher age groups have had children too. In the age group 21-29, only 55% had had children at the time of the interview.

(c) Three quarters of all applicants were adopted under a juvenile court order, rather less in the "other" authorities. This probably reflects a large number of private and third party placings, but unfortunately this cannot be established because, as will be seen later, so few applicants knew how they came to be placed for adoption, or found out after being counselled.

(d) Well over half the applicants were adopted in an area different from the one in which they now live; in the "other" authorities, the figure was nearer to three quarters. As the adoption orders have been made during a period of 50 years it is to be expected that a great many of the applicants would have moved to other areas; the change of residence will however add to the difficulties for any adopted persons who wish to pursue their enquiries further.

(e) Over one third of all the adoption orders were made during the war years (1939 - 45) and 60% during the eleven years 1939 - 49. Localised figures for the making of adoption orders are not readily available, but taking the total numbers of orders made in England and Wales for these groups of years, it appears that one enquiry in our sample was made for every 1250 orders made in 1927 - 38, one in every 734 for orders made in 1939 - 1945, and one in every 1143 for orders made in 1946 - 49. This indicates the relative frequency of enquiries arising from adoption orders made during the war. Since the minimum age for counselling is eighteen years, the great majority of applicants (75%) were adopted under the Adoption Act of 1926, that is before a number of changes in procedure were first introduced by the Adoption Act of 1950.





(f) For this reason 22% of all applicants were adopted before the age of 6 months, which would now be almost impossible. The largest age group for adoption was 6 - 11 months, but it will be noticed that another 22% were adopted when aged between one year and two years, while the adoption of older children was by no means unknown. There is an interesting variation between the figures for the West Midlands and for "other" authorities.

6. Information volunteered by applicants during interview (Appendix, para 7)

(a) Only three people did not offer information about their marital status but this hardly affects the general pattern. As might be expected, over three quarters were currently married, some of them for the second time. One in ten had had a marriage dissolved by divorce or death but this is not exceptional.

(b) Twenty-five applicants did not state whether or not they had children, all but two of them being in the West Midlands. However, it is established that just under a quarter were childless at the time of the interview. The relationship between age group and parentage is commented upon in paragraph 5(b) above.

(c) Two thirds of the applicants did not know how they came to be placed for adoption, even when we include those cases in which the placing can be deduced from other information. As Circular LAC(76)21 rightly points out, in paragraph 20, local authorities may have information in their own records, specially if they were responsible for "welfare supervision" or acted as guardian ad litem.

Unfortunately there was no welfare supervision before 1949, and the reports of guardians ad litem, if still available, are not very informative so far as adoption before that year are concerned. Though adopters themselves must at some time have known how their children came to be placed with them, not many appear to have disclosed the information, or to have encouraged discussion of adoption at all. It does not seem possible to trace the relationship between the type of placing and the frequency of enquiry, beyond stating that just over a quarter of the applicants were placed either by a local authority (usually as a foster child) or by an adoption society. It cannot be assumed that direct or third party placings account for most of the 64% of "not known", though it may be tempting to suppose that this is the case.

(d) The age at which applicants were adopted is a fact; the age at which they became aware of being adopted, or suspected it, rests often on some recollection midway between fact and fantasy. About four out of every five offered some comment on this point, which must have been important to them. There is a hazy boundary





between those who said they "always knew" and those who said that they had known, or suspected "from an early age". The latter have been counted as being aware at some age before five years, but in fact there is most probably a big overlap between the two groups, so that it may be better to conclude that 30% or so have known since some time in early childhood, or at least that is how it seems to them. It is more important to notice that almost half (49%) think they first became aware when over the age of five, and of these 30% when over the age of 11. 7% were over the age of 21, sometimes considerably more, when they first learned that they had been adopted. From the standpoint of current adoption practice, it is hard to believe that there are middle-aged men and women, some of them grandparents themselves, going about their daily lives in ignorance of their adopted status; yet, for a few of our 279 applicants, this was the position until some sudden event, such as the death of the adoptive parents, brought them face to face with the truth.

(e) Coupled with comment about the age at which applicants learned of their adoption, there was usually an indication as to how the information came to them. About half of them stated that they were informed by their adoptive parents, or by one of them. But there are tremendous variations in the method and manner of the telling. Often it was on one occasion, sometimes in the heat of anger; or it may have been a reluctant admission in answer to a direct question. Many applicants said that the subject of adoption was not discussed in the family, and any mention of it was forbidden. One applicant, who was almost certain that she had been adopted, met with flat denials, and the pretence of natural parenthood was maintained by the adopters until their death. At the other extreme was an applicant who felt that she had truly been brought up in the knowledge of the facts, and who remembered being shown all the original placing papers which had been carefully preserved for discussion with her during adolescence.

More than a quarter of the applicants learned of their adoption in other ways and were conscious of the stunning effect of the disclosures at the time. One in ten learned from friends or relatives, usually but not always in a kindly way. Another one in every six discovered their status by finding papers, or by being unable to obtain a full birth certificate when they needed one for some official purpose. The excessive secrecy of many adopters is a reflection of the adoption ethos of the past, particularly of the years prior to the 1939-45 war. Fortunately most of the applicants are able to appreciate the feelings of their adopters; there is surprisingly little bitterness about the decades of deceit; one or two even went so far as to say that they themselves had contributed to the fiction by being too



reserved or sensitive to speak frankly within the family circle. All too often the moment passed, the opportunity for honesty was gone; so the blame is shared.

(f) During the interviews most applicants were impelled to say something about their relationships with their adoptive families; they may have felt that it was expected of them. A rather crude attempt has been made to classify their comments, but it would have been better to have done this on a five point scale, rather than allowing only for "Excellent, satisfactory and poor". These observations by applicants can only be subjective; in one case where the authority had been able to refer to the old case file, it was clear that the relationship between the adopters and the child had been far short of what was now being described in retrospect as "excellent". These comments must therefore be treated with reserve, but it is probably not rash to estimate that half the applicants regarded their relationships as "satisfactory" while a quarter remembered them as "excellent". This was the category used when the applicant spoke warmly and affectionately of an adoptive parent, even though the telling had been done badly, or not at all. A rather smaller number, about one in five were classified as having described their relationships as "poor"; some of them gave reasons which will be set out in a later paragraph. It will be noticed that there is practically no difference between attitudes towards adoptive mothers and adoptive fathers; a later analysis discloses that slightly more women applicants than men had an "excellent" relationship with both parents; nearly twice as many women as men had a "poor" relationship with the adoptive mother; and one and a half times as many women as men had a "poor" relationship with the adoptive father.

Rather less was revealed about siblings, whether natural or adoptive, within the family. Just over a third of the applicants mentioned that there were no other children, while another 29% made no comment. It was at one time common practice to place children only with childless couples and it is possible, even likely, that as many as half of these adopted persons grew up without brothers or sisters. When there were siblings the relationships described as "poor" were twice as frequent as those recalled as "excellent". Among the "poor" category are some examples of the Cinderella syndrome, though not in its extremist form. Perhaps the fear of this was in the minds of those who placed children with adopters who had no children, and were unlikely to have any in the future (though in fact some did).

(g) As part of the spontaneous comments volunteered about relationships with the adoptive family, about one adoptee in seven made special mention of some unfavourable, sometimes hurtful reference to themselves, or to adoption in general.





These were sometimes merely thoughtless - "of course he isn't one of ours, you know", overheard by a child of six or seven. Others were more positive, springing from disappointment, or from comparison with a natural child now dead, or occasionally from persistent questioning by the child about "real parents". It hardly needs to be said that experiences of this kind, however trivial at the time, rankle in the mind for ever, and cannot be forgotten.

(h) Despite all the revelations about adoptive relationships, the great majority of adoptees displayed an astonishing degree of loyalty to the people who had brought them up, and whom, in many ways, they regarded as having been their parents and providers. (This is of course very similar to the loyalty felt by all children towards their natural parents, all of whom fall far short of perfection; it would be interesting to find out from any group of 279 people how many regarded their relationship with their mother, father, or brothers and sisters as "excellent", or "poor", how many were only children, and how many could not rate their family experience as higher than "satisfactory")

This loyalty was very apparent from the fact that three quarters of the adoptees with surviving adoptive parents, had not informed them that the interview was taking place, or that they were seeking information about their birth records. Only rarely was this because of opposition from the parents; the reason almost always was that the adopted person, now grown up, felt protective towards the adopters, and did not wish them to feel hurt by any realisation that they had in some way failed in their parental duties.

(i) In one interview in every five, it became clear that both adoptive parents were dead; this is only to be expected in view of the age groups of the adoptees, and the probable ages of adopters at the time that the order was made. The death of both parents was in some instances a liberating influence in that adoptees no longer felt that loyalty stood in the way of their search for origins. There is something almost alarming about the plight of the middle-aged adoptee who has been brought up as an only child and suddenly finds himself bereft of the parents he had known; he has no "roots", no sense of being part of a chain which stretches back into the hidden generations of the past.

(j) When one or both adoptive parents still survived, one adoptee in five felt that there was a close relationship, though this did not by any means mean that the adopter was aware of the interview. Another 28% were still in some degree of contact with the adoptive parents, only 9% saying that they had lost touch entirely. Almost half the interviews, however, contained no reference to this point.





(k) Because of the limitations of this study, it would be presumptuous to attempt to comment seriously on the motivation of the 279 people who were interviewed; they probably represent less than 1% of all those who might have come forward for counselling and without a "control group" it is difficult to hazard a guess as to why these people alone were seeking their birth records, while the other 99% were not - though no doubt some of them will at different times in the future. Normal curiosity must play a large part in prompting the beginning of the search, but it was possible to note some more specific motivation in 28% of the interviews. These are set out in the Appendix, paragraph K, and speak for themselves.

(l) Similarly, adoptees were not asked to state their attitudes towards adoption, and their experience of it, but over half offered some comment which was at least worthy of recording. 16% spoke of their happy experience, these being some of those who had described their relationship with adoptive parents as "excellent".

(m) A small number (9%) gave information about a history of social or medical care; in some instances social care was a prelude to adoption; in others it followed the breakdown of the adoptive home and in one or two is still a continuing process.

(n) Only 31% of the adoptees volunteered information about their occupation or vocation; it was noticeable that of those who did so almost all presented themselves as being successful in their chosen careers. Possibly they were at pains to stress that they had done well in spite of early handicap; some clearly wanted to be able to demonstrate this to their natural parents if they should ever meet them; some expressed a wish to be of practical assistance to a natural mother, visualised as old and lonely and beset by many cares. Though many disclosed nothing about their working life or material position, the social workers formed the impression that most had attained a reasonable status and were not discontented with their lot. The few exceptions were those who had a lengthy history of social care involving themselves and their own children up to the present time. One adoptee out of 279 was interviewed while serving a term of imprisonment.

## 8. THE ASSESSMENT OF THE INTERVIEW (Appendix, paragraph 8)

(a) "Adoption and Fostering" contained in its last issue of 1976 a brief note about the Scottish experience on access to birth records. This reports that the majority of people who attend the Registry Office in Edinburgh are "very cool and calm, and not in any way distressed about the matter". In the current survey it was thought advisable to ask social workers to give their impression of the people they interviewed, asking them specially to say whether the description



"calm and cool" would be justified. In about seven cases out of ten they thought it would. The rest were felt to display some emotional response, the most prominent being anxiety or apprehension about the interview itself. There were a few people who were angry, either about adoption or about the counselling process; just one or two were annoyed by being asked to visit a social services department, which they regarded as a place rather beneath their dignity.

(b) Looking back on the interview, the social worker was asked in each case to consider what might be called six stages of intention on the part of the adoptee, and to indicate the last of these which seemed to mark the goal of the enquiry. Stage 1 simply meant that the information supplied by the Registrar General was sufficient. The 3% who were satisfied with this were simply looking for confirmation of what they already knew; among these was one lady who thought she had been adopted in 1928, but wanted to be sure that legal adoption was in existence as long ago as that. A further 53% intended to seek information from birth certificates, court records or local authority records, but did not intend at that stage to trace parents. 44% were from the outset stating that they meant to trace parents but not all were thinking of meeting them; 24% in fact only wanted to "trace" because of curiosity, or because it was only by tracing that some of their questions could be answered. The number specifically intending to trace and meet accounted for 20% of all applicants, but a later refinement of this figure shows that the 20% may be further sub-divided as follows:-

- (1) Intending to trace and meet through the mediation of a social worker (or sometimes another interested person such as a clergyman) 7%.
- (2) Intending to trace and meet, but showing a fully responsible attitude and being well aware of the implications 11%.
- (3) Intending to trace and meet, but giving the social worker cause for concern 2%.

In considering these intentions it has to be remembered of course that there are formidable obstacles in the way of actually tracing parents from the limited information available; some comment on this appears in the final section of this report.

(c) Social workers were asked in respect of each applicant whether they felt it desirable that "ongoing counselling should be offered"; the purpose of this question was to find out how many of the applicants were thought to be in need of





social work help for reasons other than their request for original birth information. Unfortunately the question was rather badly worded, and as a result the replies to it became confused with those to another question - "Was ongoing support offered and accepted?". This referred only to support in the search for origins or, as it might have been better put, to the offer of practical help in pursuing the enquiry after counselling.

This latter kind of help was offered in all cases, but about a quarter of the applicants did not feel that it would be necessary.

Since the two questions posed did not clarify the difference between "ongoing counselling" and "ongoing support" the figures in Table 8c relating to "ongoing counselling" are most probably wrong. There is no reason to suppose that social workers had any grounds for regarding as "clients" as many applicants as these figures would suggest.

(d) Though all applicants seem to have been invited to come back to the department for guidance or advice if they should need it, social workers rather expected that many would not do so. In fact about a quarter made a further contact either by visit or letter or telephone, but these were not always those who had been thought likely to return. Because of the limited period of this survey it is of course still probable that further enquiries will have been made by now, or may be made in the future when there has been time for court and other records to have been followed up by applicants themselves.

(e) Even while the survey was being completed, 11% of all applicants had reported tracing a parent or relative; the ingenuity and perseverance of some adoptees has been remarkable, showing how much can be achieved from mere possession of the birth details. Among the 11% however there were several people who had for some time known the identity and whereabouts of a parent even before the interview. Tracing has not always meant meeting in the flesh - but has meant establishing a personal contact - for example by correspondence with a parent overseas.

(f) Reactions to tracing and making contact are not easy to define at this early stage; in 4% of all cases they were described as "good" or "happy", in one per cent they were adverse. In the remaining 6% the outcome was uncertain. Contact had been made, but there were hesitations on one side or the other as to whether it should be continued; there is no reason to suppose that it has been harmful, though it has fallen short of expectations.





ADMINISTRATION OF THE INTERVIEWS (Appendix, paragraph 9)

(a) As Circular LAC(76) 21 pointed out, this type of counselling is basically similar to that which has always been given by local authorities or adoption societies to people asking how they came to be in care, or to be placed for adoption; the essential difference is that under the new procedure there is information which must be given on request once the interview has taken place. The Circular suggested that authorities should nominate as counsellors those social workers who had skill and maturity, experience in work with families, and knowledge of adoption practice and procedures. This approach has been largely followed, so that in some authorities all the counselling has been done by one or two "adoption officers" while in others it has been distributed to members of staff on a somewhat wider basis.

94% of all the interviews were conducted by social workers who either had specially suitable experience, or had received some form of special training; the remaining 6% were conducted by another member of staff in an emergency or in order to provide first hand experience of what would be a new field of work.

(b) The "initial influx" foretold by the Circular duly took place; during the period under examination the number of interviews reached its peak in January and then declined to 13% of the total in March; by April most authorities reported that the number was still falling and there is reason to suppose that it will now level out, unless stimulated by repeated bouts of publicity.

(c) The local authorities taking part in this survey, and the number of interviews carried out in each, is set out here for reference. Each authority will receive a copy of the table showing the responses derived from its own interviews so that these can be compared with the whole total, that for the West Midlands, and that for the "other" authorities, which are Cornwall, Gloucestershire, and part of Avon. We are grateful to the Directors of Social Services for their co-operation, and to all the social workers concerned for their great interest and enthusiasm. Their interviewing has been of a high order; it is due to them that we have been able to compile the figures in the Appendix, and to attempt to draw out those features which have significance now, and even more so in the future practice of adoption.



## Conclusion

As this is a study - however inadequate - of an entirely new procedure which will now continue into the indefinite future, it may be helpful to complete it with a few general observations.

Counselling, in this context, is an amalgam of law and administration on the one hand, and social work practice on the other. It is thus a reflection of the adoption process itself. Both aspects are dealt with in the relevant circular, and in the leaflet "Information For Adopted People" and the booklet "Notes For Counsellors" where the essentials are set out in an eminently readable way.

Most of the people coming for counselling had read the leaflet and some had greatly profited by it; there was however some evidence to suggest that some had failed to understand fully the very clear warnings about possible disappointment in their search for their origins and past life history.

It speaks well for the leaflet for adopted persons that only two comments about it were recorded. One social worker suggested that it would perhaps be helpful to reproduce on the cover, or in the text, a photograph of a birth certificate so that the information it contains would be more readily apparent. One adopted person was puzzled by the statement that he would receive from the Registrar General information about his mother, and "possibly" about his father. Though this only occasioned comment from one person, who was apparently quite well adjusted, the phrasing might perhaps be improved. As worded now it can well set up a suspicion that information about a father is being with-held for some sinister reason, that there is something so discreditable that it cannot be mentioned. If, as one assumes, this phrase merely means that information about the father will be supplied if it is available, it might be better to re-word it accordingly.

Social workers have also found their booklet most helpful but some have found it hard to reconcile the somewhat limited administrative objective with their social work aspirations. Their quandary may be expressed in the words "How far do we go?" to which of course there can be no general answer. There are other problems which arise from the splitting of the counselling process between the local authority social worker, possibly the court, and ultimately the placing agency, where it is known. The social worker may think, for instance, that he should ask for and





receive information from the court concerned, rather than allowing it to be sent to the applicant, who may not wish to receive it at his home address.

Similarly, a social worker may wish to make the approach to an adoption society or local authority which made the placing, rather than merely helping the applicant to make his own approach without continuing support and guidance.

In addition to "Notes For Counsellors" social workers have the guidance of Circular LAC(76)21 which in paragraph 18 rather closely prescribes the role.

There are two main aims:-

- (1) to give the adopted person the information which will enable him to obtain his birth certificate and, if he wishes, suggest other possible sources of information; and,
- (2) to assess whether the adopted person is likely to try to trace his parents or other members of his family, and, if so, to discuss the implications with him.

Though clear enough in itself, this definition obscures some of the social work implications of the administrative task; too often the counsellor does not know the outcome of his work, since the difficulties of obtaining information are proving to be as great as predicted in the leaflet for adopted persons. Court records have sometimes been destroyed, adoption societies have gone out of business, or, if still in existence, are willing to give information to a varying extent, and only in accordance with their own policies. As indicated in paragraph 5(d) above, more than half the applicants were adopted in an area different from the one in which they sought counselling; this adds to their problems if they wish to pursue their enquiry beyond the initial stage; in an effort to help them, social workers have in some cases entered into correspondence with distant courts <sup>or</sup> adoption agencies but often with disappointing results.

Apart from courts or agencies, the most likely sources of information are the "welfare supervision" or guardian ad litem reports, the latter made either by local authorities or by probation officers. Here again many of these are no longer to be found for the years prior to 1948; when they are available for those years they contain very little information as a rule, but it seemed in the course of this study that more use might well have been made of them, if only to acquaint the counsellor of the few important facts which can be gleaned from them.





In general, for all these reasons, counsellors are largely unaware of the course of events after they have interviewed the adoptee, except in the comparatively few cases in which they have continued to be involved, or have had further direct contact with the applicant. There is no certain knowledge that people have actually applied for their birth certificates, or have approached a court or an adoption agency for enlightenment. Enquiries to the large national child care and adoption societies with regional staff in the West Midlands have revealed that less than six adoptees are known to have approached them following counselling by a local authority social worker, in the Region.

These societies have had a number of referrals in general terms either from adoptees, or their natural parents or relatives, but the number of enquiries made as a result of Section 26 is perplexingly small as far as the West Midlands is concerned. It may perhaps be taken as some confirmation of the suspicion, mentioned in paragraph 6(c), that a very large proportion, possibly 70% of the adoptees were placed for adoption by parents or by third parties.

If this is the case, they will have received little help from courts even if the old records are intact. The information which courts are obliged to disclose relates only to the name of the local authority or adoption society if either was involved in the placing, but social workers have in some cases failed to appreciate this, hoping for further details (such as that contained in a guardian ad litem report) which the court has no obligation to make available.

In view of the magnitude of the problems of a continuing search, it seems unlikely that counsellors would be pleased by the results of enquiry, even if they knew what they were. There is every indication that the position would be as described by John Triseliotis in his article "Adoptees in Search of Their Origins" \* - "Those who set out to meet their parents .... though pleased with what information they obtained, were mostly unsuccessful in their attempts to attain their main goal and were therefore disappointed."

We set out in this study to measure the impact of the new procedure upon a group of local authorities, and found that, administratively speaking, it was small. It is equally important to try to assess the impact upon the social workers who have been involved in the counselling process. In the first place they have found it interesting and rewarding in spite of the frustrations outlined in the

\* Published in ABAFA booklet "The Adopted Person's Need For Information About His Background".



discussion of problems of tracing. The interviews have been time consuming taking anything upwards of an hour for the first, and further time for a second or third session when this was asked for. They have also been involved in correspondence with other authorities and agencies, and with some delving into departmental records, though perhaps less than was anticipated.

Most importantly, they have been learning at first hand of the feelings, the questions, and the hopes of adults of all ages who were placed for adoption at different times during the last fifty years. For the most part they have been meeting strangers who were eager to talk to someone who could appreciate their long felt need for identity, to a sympathetic person who might help them to resolve doubts which had afflicted them for many years. Even from this small group of adoptees, social workers have been able to absorb the real significance of factors which may previously have been thought of as theoretical. Those, and there are many, who are directly concerned with the practice of adoption will now see it in a new light; they will be whole-heartedly behind the recent moves towards more open-ness and more acceptance of true reality; they will be better equipped by their experience to set adoption in its proper perspective as a part of the comprehensive service to children which is at the heart of the Children Act of 1975.

This report cannot end without some mention of the 279 adopted people who were counselled. There were a few who came for their "pieces of paper" and offered nothing in the way of information; but it will be evident from the table in the Appendix that the great majority saw the interview as an opportunity of unburdening themselves of worry and ignorance about matters of the greatest possible concern to them, and often to their own families by marriage. They were generally mature in their outlook, appreciative of the difficulties of both natural and adoptive parents, and grateful for the proffered help in their enquiry, even when it is known that in the end they met with disappointment. Although they came for help for themselves, most of them in doing so helped us, and greatly enlarged our understanding; this is true even in the case of those whose difficulties were acute, and whose attitude aroused the concern of the counsellors.

Seven such people can be identified within this group of 279, and an attempt has been made to find out whether or not they had any characteristics in common. They were all over 30 years of age, two or them being over forty. All were





married, two of them for the second time, and all but one had children. Four were adopted during the war years, and three in the years immediately afterwards. Four were adopted before the age of one year, the other three when aged between 3 and 5 years. These factual details are however less interesting than the factors relating to their life experience. Only two knew how they came to be placed for adoption, one being originally boarded out while in the care of a local authority, the other having been placed directly by a parent.

None claimed to have been brought up in the knowledge of adoption, though two said that they had known from an early age. One of the others had known since the age of about 6, another first knew when of adult years. Relationships with the adoptive mother were poor in four of the seven cases, and in another there was no adoptive mother; the remaining two rated relationship as satisfactory. There is a similar pattern for adoptive fathers - though here five adoptees considered relationship as poor. Only four of the seven made any comment about adoptive siblings, in three cases having found the relationship poor. (In two cases it is known that there were no siblings in the adoptive family). Three of these seven adoptees recalled adverse comments made about them by the adoptive parents, while another, who did not recall any actual words, was aware that her adopters had been prosecuted for child neglect, herself being the victim.

In each of these cases, except one, there is no contact between the adoptee and the adopters, either because of death, or because of a complete breakdown of the placing during childhood. The seventh adoptee was adopted by a single woman, with whom he is still in touch, but he gave little information about himself; his enquiry stems from a feeling of resentment towards his natural parents. Like the others, though for different reasons, he had not informed his adoptive parent of his quest for information.

This study, because of the way in which it depends upon volunteered information in which there are many gaps - cannot pretend to the description of research. Such detail as there is has been analysed, and we are very grateful to the Gloucestershire County Council for not only taking part in the study but also providing statistical help from its Social Services Research section.

If there cannot be any firm findings, in the absence of more comprehensive answers to questions, we can at least say that we have found nothing to contradict more



scientific recent studies; indeed, in the brief account of adoptees whose attitudes give cause for concern there is a large measure of agreement with the findings of John Triseliotis. Like him, we feel that there is every justification for a system through which adopted people can obtain detailed knowledge of their parentage; this will necessarily create a crisis for a small number of people when the adoption process has been mismanaged or misunderstood. But the undoubted anxiety which these few adopted people can engender must be weighed against the benefits which counselling has conferred upon the many. Their experiences, as expressed in the interviews, confirm the growing conviction that an adoption placement cannot be regarded as an isolated event which an agency (or, at present an individual) can finish and forget. Placement is no more than the crucial feature of a whole process which involves the natural parents, the child, the adoptive parents and the agency concerned. As Elina Rautenan has put it "If we have participated in creating a situation we should be ready to face its consequences and take our share of responsibility, however the situation develops".\*

In a small way, and rather belatedly, this is what social workers have been doing in the course of their counselling under Section 26. There is every reason to believe that as a result of this limited beginning they see the need to prepare themselves for the wider sphere of counselling envisaged as an essential part of the adoption service of the future.

Alfred Leeding  
1977

\* "Work With Adopted Adolescents and Adults"  
Published in ABAFA booklet "The Adopted Person's Need For Information  
About His Background".





A survey of the experience of six Counties and seven Metropolitan Districts in giving counselling to persons seeking access to their birth records during the period November 26 1976 to March 31 1977.

	All	West Midlands	Others
1. Population of authorities concerned, in thousands	5,287	4,202	1,085
2. Number of persons referred by Registrar General for counselling	291	216	75
3. Number per million popn.	55	51	70
4. Interview appointments not kept	12	9	3
5. Actually interviewed in survey period	279	207	72

6. Information derived from Registrar-General's form  
(all shown as percentages of total interviewed)

	%	%	%
A Sex			
Male	29	30	26
Female	71	70	74

B Age groups

18-20	5	5	5
21-29	28	29	25
30-39	46	46	46
40-49	16	17	15
50-59	4	3	6
60-	1	0	3

C Type of Court

High Court	1	1	1
County	24	22	32
Magistrates'	75	77	67

D County or Magistrates' Court in area of interviewing authority

Court in area of interviewing authority	44	48	31
Court not in area of interviewing authority	56	52	69

E Years in which Adoption Orders made

Pre-war	1926-1938	15	15	18
War Years	1939-1945	36	36	35
Post war	1946-1949	24	24	24
Under Act of 1950	1950-1957	20	20	18
Under Act of 1958	1958 -	5	5	5



	All authorities %	West Midlands %	Others %
Age of applicant at adoption			
Under 4 months	8	9	6
4-5 months	14	14	14
6-11 months	39	40	34
Aged 1 or 2 years	22	20	31
Aged 3 or 4 years	8	9	4
Aged 5-10 years	6	5	8
Aged 11 years or over	3	3	3
<u>Information volunteered during interview</u>			
Marital status unknown	1	1	0
Single	14	14	12
Married	73	73	75
Widow(er)	1	1	0
Married but separated	1	2	0
Married and divorced	4	3	7
Re-married	6	6	6
B Children (not stated)	9	11	2
Has, or has had, children	68	63	81
Has not had children	23	26	17
C Type of placing			
Local authority	10	11	6
Adoption Society	17	16	22
Direct by parent	4	5	3
Third Party	5	3	8
Not known to applicant	64	65	61
D Age at which applicant became aware of adoption			
Says "Always knew"	14	15	12
"From early age"	16	16	18
Aged 6-10 years	19	17	24
Aged 11-14 years	12	12	13
Aged 15-20 years	11	10	14
Over 21 years	7	8	8
Not stated	21	22	11
E How became aware of adoption			
Told by adopters	53	50	60
Told by relatives or friends	10	9	14
Learned otherwise	17	18	15





	All Authorities %	West Midlands %	Others %
Relationships with:-			
<u>adoptive mother</u>			
Excellent	23	24	18
Satisfactory	52	51	54
Poor	19	17	25
No adoptive mother/not stated	6	8	3
<u>adoptive father</u>			
Excellent	24	26	18
Satisfactory	52	50	57
Poor	17	15	21
No adoptive father/not stated	7	9	4
<u>siblings in adoptive family</u>			
Excellent	6	7	4
Satisfactory	16	11	29
Poor	12	13	8
No siblings in adoptive family	37	40	29
Not stated	29	29	30
Applicant recalls instances of remarks unfavourable to self or to parents, or to adoption			
	14	14	17
No such memory disclosed	86	86	83
Adopters, if living, aware that enquiry is being made			
	14	12	21
Not aware that this enquiry is being made	76	76	75
Not stated	10	12	4
Both adoptive parents dead			
	21	21	21
Adoptive mother dead	9	8	11
Adoptive father dead	16	19	7
Lost touch	1	2	0
Contact with surviving adoptive parent(s)			
Close	19	18	19
Fairly close	15	14	17
Just keep in touch	13	12	17
No contact	9	8	11
Not stated	44	48	36



	All Authorities	West Midlands	Others
	%	%	%
Motive for enquiry			
Wishes to trace siblings	6	8	1
Seeking medical history of natural parents	7	8	6
Seeking explanation of special skills/interests	5	5	4
Suspects relationship with adopters	5	5	7
Wishes to establish ethnic origin	2	2	4
Suspects, or knows identity of parent, but seeks confirmation	3	3	1
Attitude towards adoption			
Happy experience	16	15	21
Good material upbringing but no warmth	10	10	11
Feels adopters are too old	9	8	12
Adopters too strict	12	13	8
Never felt one of family			
Was ill-treated	2	2	1
Has placed own child for adoption	1	1	0
Has considered placing own child for adoption but decided against	2	1	3
M Other personal details offered.			
Has a history of being in social care, or			
Has a history of being in long term medical care	9	7	12
Has applied to become a foster parent/adopter/ child minder	1	1	3
Occupational group -			
Professional	17	15	22
Skilled	10	9	13
Unskilled	3	3	3
Not employed	1	1	1
No comment	69	72	61





	All Authorities %	West Midlands %	Others %
<u>ASSESSMENT OF INTERVIEW</u>			
A			
Applicant appeared "calm and cool"	68	71	57
Applicant displayed:-			
Anger	2	3	1
Anxiety	22	21	25
Aggression	3	3	6
Other emotion	5	2	11
B			
Applicant's stated intention -			
Content with information from Reg General	3	3	3
Will apply for birth certificate	21	19	26
Will obtain further information from court	27	32	29
Seeks information from local authority records	5	9	2
Intends to trace parent	24	20	35
Intends to trace <u>and meet</u> (a) through mediator	7	6	1
(b) shows responsible attitude	11	9	3
(c) giving cause for concern	2	2	1
C			
Social worker felt that ongoing social work support should be offered	36	33	46
No need for social work support	64	67	54
Social worker offered help in search, if needed	76	82	58
Applicant declined help in search	24	18	42
D			
Applicant returned or made contact for further help or advice	27	29	22
Did not return up to May 1977	73	71	78



	All Authorities %	West Midlands %	Others %
<b>E Applicant reports tracing -</b>			
Mother, father or relative	11	11	11
<b>F Reactions to meeting</b>			
Good	4	3	7
Adverse	1	2	0
Not yet definable	6	6	4
<u>General</u>			
<b>A Social worker experienced in or specially briefed for this type of interview</b>	94	94	93
<b>B Month in which interview took place -</b>			
November 1976	1	1	0
December 1976	13	15	7
January 1977	44	42	49
February 1977	29	30	26
March 1977	13	12	18
<b>C Authorities taking part in the survey, and actual number of interviews</b>			
Birmingham	56	56	
Coventry	21	21	
Dudley	17	17	
Sandwell	9	9	
Solihull	4	4	
Walsall	7	7	
Wolverhampton	13	13	
Hereford and Worcester	36	36	
Salop	17	17	
Warwickshire	27	27	
Avon (Kingswood Area)	16		16
Cornwall	25		25
Gloucestershire	31		31
Total	279	207	72











(213) 381-2761

LENORE K. CAMPBELL  
DIRECTOR

READ BY

CHILD WELFARE  
BRANCH

7 1977

DEPARTMENT OF ADOPTIONS  
COUNTY OF LOS ANGELES

255 W. OLYMPIC BLVD.  
LOS ANGELES, CALIF. 90005

# Task Force on Confidentiality in the Adoption Program

A Report to the  
California State Department of Health

July 1977





TASK FORCE ON CONFIDENTIALITY

IN THE ADOPTION PROGRAM

A REPORT TO THE CALIFORNIA

STATE DEPARTMENT OF HEALTH

July 14, 1977

Mary Sullivan  
Task Force Chairperson  
Department of Health  
744 P Street  
Sacramento, CA 95814



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## I. INTRODUCTION

In California, as well as throughout the nation, public policy relative to confidentiality in the adoption process has been undergoing a reexamination by the public; by adult adoptees, birth parents, and adoptive parents; by adoption agencies; by the courts; by the Legislature; and by the State Department of Health.

The "closed" record policy in adoption served birth parents, adoptive parents, and children placed for adoption extremely well at a time when society was not generally accepting of out-of-wedlock pregnancy or the single parent family. The protective nature of the policy provided an opportunity for birth parents to reestablish a future and provided security for the new family unit. The "closed" adoption record in the past was not unique, in that many agency records, court records, and official documents were sealed or if not sealed were held in confidence. The public accepted the closure of records, indeed demanded such a policy, and as a result there were few challenges for opening of records.

Society has changed a great deal in the last 15 years, and many of the mores and values held around the need for closed records have changed. Increasing numbers of adult adoptees are seeking identifying information related to their birth parents as well as requesting background information concerning their own heredity and family origins. It is within this context that we are now experiencing an in-depth look at the policy concerning adoption records.



In October 1975, the Department of Health requested the California State Bar, through the Adoptions Committee, to review California laws governing adoption records and in cooperation with the Department and other interested public groups to consider the need for changes. In May and June 1976, the Department of Health, in conjunction with the California State Bar, held three public hearings throughout the State to obtain public input into the policy deliberation. During these meetings testimony was received from birth parents, adoptees, and adoptive parents. The general consensus was that it is time for a change. The major themes presented throughout the hearings were:

- (1) recognize adoptees over the age of 18 as adults -- give up the stereotype of thinking of all adoptees as infants or small children;
- (2) recognize birth parents as individuals who have grown and matured since the placement of a child for adoption -- give up the stereotype of all birth parents as young, frightened 16-year-olds; and (3) recognize that adoptive parents have an inherent strength of relationship with their children -- give up the stereotyped idea of fragile family relationships.

In December 1976, the Department of Health building on the findings from the public hearings established a task force, composed of individuals who are leaders in their field and who have a significant interest in a strong and vital adoption program.





The charge to the task force was to:

- A. Develop a comprehensive statement relating to confidentiality of adoption and related records.
- B. Define the scope of information (background and/or identifying) to be shared with birth parents prior to placement of a child for adoption, adoptive parents at time of placement, and adoptees upon request.

The task force objective was to:

Recommend to the Department of Health a comprehensive proposal relating to confidentiality of adoption records that is responsive to the needs of adult adoptees and offers appropriate protection to the interests of all parties.

This report contains the findings and recommendations of the task force.



## II. MEMBERSHIP -- TASK FORCE ON CONFIDENTIALITY

<u>Name</u>	<u>Organization</u>
Mary Sullivan, Chairperson Chief, Children Social Services	State Department of Health
Lenore Campbell, Director	Los Angeles County Department of Adoptions
Penny Donovan Adoptive Parent	Former President of California Association of Adoption Agencies
Lucas W. Empey, M.D.	American Academy of Pediatrics California Chapter I
Donald H. Fibush Adoptive Parent	Founder, California Children's Lobby Past President and State Legislative Chairman, California Association of Adoption Agencies
Philip Greenblat, Chief Adoptions and Foster Care Section	State Department of Health
Michael Haag Adoptee	Board of Studies in Psychology University of California Santa Cruz, CA 95064
Matt Haley Adoptee	A.D.O.P.T.E.D.
Wesley L. Jones, Director	Santa Clara County Department of Social Services
Helaine Kerfoot Social Service Consultant Adoptions and Foster Care Section	State Department of Health
Richard Koppes Assistant Chief Counsel Office of Legal Affairs Adoptive Parent	State Department of Health
William P. Lamb, Attorney	Association on American Indian Affairs
Marie Burke Lia Deputy City Attorney City and County of San Francisco	Chairperson, Adoption Committee California State Bar



Oliver H. Michaelis  
Administrative Assistant  
Children Social Services

State Department of Health

Janice Nielsen  
Adoptive Parent

Parents by Choice, Inc.

Juanita Nichols  
Statewide President

California Association of  
Adoption Agencies

Mary O'Neill  
Retired

Former Deputy Director  
Los Angeles County Department  
of Adoptions

Richard Pancost  
Executive Director

Children's Home Society of  
California

Reuben Pannor  
Director of Community Services

Vista Del Mar Adoption Services

Helen Ramirez, Deputy Director

Los Angeles County Department  
of Adoptions

Winona Sample, Chief  
Indian Health Section

State Department of Health

William H. Simon, Jr., Attorney;  
Adoptee

Former President of California  
Association of Adoption Agencies

David B. Singleton, Director

Santa Cruz Department of Social Services  
Former Chairman, Adoption & Foster Care  
Committee, California County Welfare  
Directors Association

Ruth E. Vaughn  
Social Work Supervisor II

Contra Costa County Social Services  
Department





### III. GENERAL BACKGROUND CONSIDERED IN DISCUSSIONS

In recent years there has been a considerable change of public attitude calling for more openness in the availability of an individual's own personal information in public records. In the past the sealing of all adoption records was a very natural thing. The birth of a child out of wedlock at the time carried with it some social stigma. A birth parent frequently would leave her normal place of residence to have her child in another city so that the facts surrounding the child's birth would remain secret. Similarly, adoptive parents were concerned about keeping the facts of the adoptive child's origins a secret. It has only been in recent years that substantial progress has been made in something as basic as how adoptive parents should go about telling their adoptive children that they are adopted. There are some adopted children who have never been told (by their adopted parents) that they are adopted.

At the present time there is very little social stigma on an unmarried parent. We see unmarried parents keeping their children and raising them without any problems or pretense related to the fact that the mother is not married to the father of the child. We also see unmarried couples living together having children and raising them, again, without any pretense concerning the relationship of the parties.

In recent years we have also viewed the phenomenon of more and more groups in our society insisting on greater equality of rights. We have had various minority groups coming to the fore and demanding and



receiving more equality with majority groups. Representatives of these minority groups are working through areas of legislation, education, the courts, administrative branches of government, and otherwise. We have all noted the progress made by the women's rights movement in recent years.

Along with this general pressure for more equal treatment has grown an increasing pressure from adoptees' rights groups. These groups believe that the adult adoptee is discriminated against because the adult adoptee is denied basic information about his or her origins. While other people in our society can obtain a birth certificate stating the name of the birth parents, an adoptee cannot. The adoptees are further infuriated by the fact that they can go to a clerk in vital statistics and the clerk can look at the record and see the names but still will refuse and is required to refuse under law to give the names to the adoptees.

A similar phenomenon has been occurring among birth parents who want very much to locate children whom they gave up for adoption in past years who are now adults. Birth parents have also joined together in forming parents' rights groups which are pushing for reforms in legislation. Although the majority voluntarily consented to the adoption under circumstances which clearly told them that they would be severing all contact with their child for all time, many of these birth parents now feel a strong desire and a strong need to locate their relinquished adult children.





Another set of birth parents lost all parental rights to their children through involuntary termination by the court. In many situations the involuntary termination was based on the abandonment of the child by the parent, others were related to severe emotional or psychiatric problems which precluded the parent from ever assuming the parental role, and in other cases the parent committed acts of violence of such a nature that the child's interests could seemingly only be served through termination of the parental relationship. A major concern surfaces regarding parents deprived of parental rights through involuntary termination. Consideration must be given to the fact that many of these parents were young and immature or caught up in the web of poverty which drained them of the strength to meet parental responsibility. Many were members of a minority group whose children were placed in foster homes from a significantly different cultural background which subtly encouraged alienation. Many of these parents have matured, changed, or in the latter case never accepted the final severing of family ties. There is a question under such circumstances whether public agencies should act as an intermediary when contact with an adult adoptee is sought. They could relate openly and honestly to the adoptee the current status of the parent, and permit the adult adoptee to make the decision regarding the contact with the birth parent. However, in those cases terminated as a result of acts of violence, it might be advisable to provide expert counseling as a prerequisite to any contact between the adult adoptee and the presumably rehabilitated birth parent.



As is generally true, where new rights are being demanded, the people with the strongest views concerning complete freedom of information relating to identifying information are those who are raising their voices the loudest. Experience has shown, however, that evolutionary change in the "rights" areas has moved rapidly behind and in response to the voices of those who have called for revolutionary changes, and your committee is agreed that changes in the areas of opening new avenues of obtaining identifying information are both inevitable and desirable.

Current social changes have made it impossible to maintain the status quo in the area of confidentiality of identifying information. Both Scotland and England have enacted laws opening the identifying information in birth records to adult adoptees who apply. A recommendation was made in Ontario, Canada, for liberalizing the condition under which this information can be obtained. Several cases have been filed with the courts to determine whether "the right to know" is a legal right protected by the Constitution.

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A number of sociologists, psychiatrists, and others have written articles in support of the proposition that the extremely confidential nature of the adoption practice which withholds from adult adoptees information as to the adoptees' origins has harmful effects on some adopted persons. Included among these writers are J. Triseliotis in his work "In Search of Origins -- The Experiences of Adopted People"



in 1973; A. MacWhinnie -- "Adopted Children -- How They Grow Up"; M. Kornitzer -- "Adoption and Family Life", 1968; Ruben Pannor of Vista del Mar and his associate, Annette Baran, have taken a similar approach to literature which they have written including an article in the Journal of Jewish Communal Service -- 1974, which was coauthored with Arthur D. Sorosky, M.D. Florence Fisher's book, "The Search for Anna Fisher", has stirred great interest in this subject and gave added impetus to Florence Fisher in forming her organization which is called ALMA which is an organization fighting for "adoptee's rights". There are similar organizations such as "Orphan Voyage" and "Yesterday's Children" which aim at promoting greater availability of confidential identifying information concerning the adoptee's origin.

Most of these groups desire not only to obtain the right of access to identifying information but are also advocating and establishing reunions between adult adoptees and their birth parents. Research such as Mr. Pannor's indicates that in the majority of cases these reunions have worked out well for both adult adoptees and their birth parents.

Another aspect of this matter which has received less attention but seems to have at least as much interest is the search between adult adoptees and their siblings who are later children or earlier children of one or both birth parents. This complicates the problem inasmuch as the birth parent may have little or no interest in contact, yet the adult adoptee may be looking for siblings who are children of that birth parent. These other siblings may at the same time be searching for or at least amenable to contact with the adult adoptee. The only





connection between the two is the birth parent and unless the birth parent can be identified, the siblings are forever prevented from making contact with each other.

A difference should be noted between needs to know and "rights to know". Basically, rights are either conferred by law or confirmed by courts and this becomes law. At the present time the law in California is such that there is no "right" given either an adult adoptee or a birth parent to have free access to confidential identifying information. In fact the legal right which is recognized in California is the legal right of the adoptive family to maintain insulated anonymity from a birth parent and indeed the world (in the situation of agency adoptions). Similarly, rights of anonymity are given to the birth parent, and, of course, the adult and minor adoptee.

These rights are enunciated in Sections 227 and 227aaa according to the present printing of the California Civil Code, Section 10439 of the Health and Safety Code, as well as in the administrative provisions of Title 22 of the Administrative Code, Sections 30737 and 30569 (c). The cumulative effect of these sections is to make all of the various records confidential provided that the records which are maintained by the courts can be opened to the parties to the adoption on a showing approximating the necessitous.

A legal question is still unsolved as to who are the parties in an adoption action. In agency adoption the birth parent is not a party because a relinquishment has been delivered to the agency and filed



with the Department of Health. The relinquishment severed the legal relationship between the birth parent and the child prior to the commencement of the adoption procedure in the court. Therefore, as the law now stands, a birth parent is not a party who, even upon showing of the necessitous, could obtain access to the identifying information from the birth records.

Curiously, there are courts which maintain that the adoptee is not a party to the adoption either so that the only parties to the adoption are the adoptive parents and the agency which is handling the relinquishment. Nevertheless, there is some question as to the status of the adoptee as a party to the proceeding, and policy varies throughout the State of California as to the availability of the court records. There are some courts which will allow an adoptee access to the records and which interpret very liberally the requirement of a showing of need to open the files "approaching the necessitous".

A primary concern of adoption agency people is that in the past they have assured their clients that the clients' anonymity would be protected and all their records would remain confidential. Many people came to the agency relying upon this anonymity; and, in fact, when babies were readily available for adoption in the 1950s and early '60s, many people chose agency adoptions over independent adoptions for the sole purpose of obtaining and maintaining this anonymity. While many adoptive parents have had as their primary concern the security of freedom from intrusion of their adoptive family while the adoptee remained a minor, others may desire this anonymity for all time.





No great moral question is raised in facing the reality that if the law is changed, then agencies would be required to follow the change in law even though this might destroy the anonymity of the adoptive parents and the adult adoptee. However, a rather strong moral question does present itself as to whether having given representations that agencies would protect their clients' anonymity, an agency could at this time become an advocate of the opening of records even if these records were opened only to "parties to the adoption", including the adult adoptee.

It was this type of argument which led the County Welfare Directors Association to consider a proposal to open records after a period of 18 years elapses. That is, in the year 1995.

This would assure that records would be opened only to those whose adoptions were processed under a policy wherein an absolute promise of continuing anonymity was not given. This, however, creates obvious inequities. For example, it would mean that an adoptee who is 18 years old today would be at least 36 years old before being able to obtain access to his/her records. That same year a person becoming 18 would be able to obtain access. Such a proposal seems impractical in that substantial changes would occur over the next 18 years, and proposals, in order to be practical, should deal with the scope of problems today.

Another major problem to be faced in connection with the opening of records deals with the maturity of the person seeking to obtain information and also the relative matter of parental consents of adoptive parents. Generally, the task force felt that there would be less



objection to the opening of identifying information in adoptive records if that information was released only to adult adoptees who had attained maturity. The problem here is that maturity cannot be gauged in years. Some 18-year-olds have maturity; on the other hand many 21-year-olds have not yet reached maturity. A strong view was expressed that adoptive parents, along with other parents who are attempting to raise either adoptive children or their biological children, experience continuing difficulties with the children as they go through the turmoil of the teen years and so on into their early 20s.

Adoptive parents felt that an additional and undue pressure would be placed upon them if their still immature children were to introduce into the complex family relationship the threat of bringing into this relationship another set of parents while those children were still working their own way toward maturity.

Many adoptive parents believe that maturity is attained somewhere around 24 or 25 years of age. However, it is unlikely that this age would appeal to legislators who are faced with 18 as the legal age of majority or 21 as the minimum age to purchase alcoholic beverages.

There is a strong feeling among many adoptive parents that adoptees at age 18 lack the maturity to comfortably deal with the emotional problems involved with a search for birth parents and similarly that an intrusion of birth parents into the lives of adoptive children and their adoptive parents at age 18 would be most disruptive. However, an argument could



be made that some people are never mature enough to deal with a search. Clearly a line must be drawn somewhere for practical purposes. Age 18, being the age of majority, is the most common precedent.

Should the adoptive parents consent be an element of opening records to the adult adoptee? If there were a three-party consensual situation, that is, the birth parents, the adult adoptee, and the adoptive parents, then an obvious situation would exist for making the information available. On the other hand most proposals have not included the consent of the adoptive parents. The reason for this is that at 18 years of age a child has reached his majority for most legal purposes (a notable exception is the purchase of alcoholic beverages). Certainly, it would seem very difficult to provide that after age 21, the consent of adoptive parents should be required. Nevertheless, in going back to the question of maturity, since some persons quite possibly may lack maturity until later in life, there is strong support among some adoptive parents that parental consent of adoptive parents should be required before any information was released to an adult adoptee who has not attained the age of 25. This could have an unexpected and reverse pressure on an adoptive parent whose 21-year-old child was seeking to obtain identifying information as to birth parents and who asked the adoptive parent for consent. At this point a refusal of that adoptive parent to give consent could place tremendous pressures on any continuing meaningful relationship between that adult adoptee and his parent.





Many adoptees, birth parents, and adoptive parents have expressed concern that there should be an emphasis on the fact that a person who does not wish to search is responding to feelings which are just as normal and natural as those who feel a strong desire to search. No person should be made to feel that he/she is odd or strange for wishing to search, and conversely, those who do not wish to search should be encouraged to be comfortable with their feelings.

Finally, it should be noted that for many the desire to search is part of a greater overall need within them to find not only their origins but their true sense of self in establishing their own identity. There is no guarantee that obtaining identifying information or effecting meetings with birth parents will satisfy their desire to know themselves. However, the evidence at hand today indicates that providing the opportunity for adult adoptees to obtain such information is at least a step in that direction.



#### IV. MAJOR FINDINGS

Adoption is a vital and necessary institution in our society. State policies governing confidentiality in the adoption process should:

- A. Be directed toward strengthening family life as well as meeting the needs of individuals who are parties to an adoption;
- B. Protect the adoptee's right to privacy;
- C. Protect the adoptive family unit from disruption by contacts with birth parents and their relatives during the formative years of a child's life;
- D. Recognize that parents, by adoption, have a right to know all nonidentifying background information which is available about their child;
- E. Provide for agencies to collect this information in a standardized manner;
- F. Recognize that desire to know and understand one's personal background such as that expressed by some adult adoptees is a common human need;





- G. Recognize that agency adoptions completed under current law carry an implicit promise of anonymity to birth parents placing children for adoption, adoptive parents, and adoptees;
- H. Recognize that parents, by adoption, have all the rights as well as responsibilities inherent in the parent-child relationship;
- I. Recognize that every adult adoptee has a right as an individual to desire to establish relationships of choice, including contact and meeting with birth parents if mutually desired;
- J. Recognize that the individual needs of birth parents, who voluntarily consented to adoption or whose parental rights were involuntarily terminated by court action, vary to the extent that some have a strong need to have information regarding the child and a desire to meet the adult adoptee while others have no such need and have ordered their lives in keeping with the promise of anonymity;
- K. Recognize that for some birth parents the involuntary termination by court action of parental rights resulted from circumstances or pressures beyond their control and the adoption was contrary to their wishes;
- L. Recognize that changes in society have occurred which tend to encourage the opening of records maintained on individuals;



- M. Recognize that attitudes in society have changed regarding the parent and child when a birth occurs out of wedlock;
- N. Provide alternative methods to adult adoptees and birth parents who wish to seek information and/or to meet.

To implement these findings, the task force has made recommendations in four areas:

- A. Access to Nonidentifying Information
- B. Access to Identifying Information
- C. Adoption Records
- D. Registration System



## V. REACTION OF BIRTH PARENTS TO MAJOR FINDINGS

In order to test the impact of the major findings of the task force and to seek input from birth parents, the least visible members of the parties affected by a state policy change, the findings were discussed with 17 birth parents prior to finalizing the report.

In general all those contacted supported the findings and felt they were fair to all parties. Several key points need to be summarized. All of the birth parents agreed that adult adoptees have a right to establish contacts and to meet with their birth parents if they desire to do so; only one of the birth parents questioned that state policy should be such as to protect the adult adoptee's right to privacy; only four felt that they had been promised anonymity under current law; all supported the need to protect the adoptive family unit from outside contact during the formative years of the child; and all felt that changes in society have supported and encouraged more openness of adoption records.

It is interesting to note that three of the birth parents interviewed had previously indicated they did not wish to be contacted by their child in the future, but at this point in time had changed their mind. One birth parent indicated she in no way would initiate, and personally did not desire, a future contact but would be receptive if her child upon reaching adulthood wished such a contact.





In a paper presented at the annual meeting of the American Psychological Association in September 1976, Reuben Pannor, M.S.W. (member of the task force), Annette Baran, M.S.W., and Arthur Sorosky, M.D., summarized research findings from an in-depth study of 38 birth parents. The findings of this research effort closely parallel the response of the 17 birth parents to the major findings of the task force.

The birth parents interviewed in the research project ranged in age from 20 to 62 with a median age of 34. The age of the child relinquished by these birth parents ranged from birth to 6 months and the number of years since the child had been relinquished by these birth parents ranged from less than 1 to 33 with a median of 15. The reported findings which relate specifically to the issue under discussion by this task force are as follows:

#### "BIRTH PARENTS INTEREST IN REUNIONS WITH ADOPTEES

"When asked if they would be interested in a reunion with the child they relinquished 82% (31) out of the 38 interviewed said yes, if the adoptee desired to meet them. They further stipulated that they would only do so if the adoptee had reached adulthood. Only 5% (2) were themselves actively searching for the adoptee. One said that she would be interested in a reunion if both the adoptee and his adoptive parents both agreed. Eight percent (3) stated that they did not want a reunion because they did not feel they nor their families could handle it. One refused to comment. Among the 82% (31) birth parents who said they would agree to a reunion if the adoptee wanted it, 35% (11) said they felt it might help the adoptee, 45% (14) felt that the adoptee may have a strong need to know, 26% (8) said they and their families could handle it. The fact that they would welcome a reunion but would not seek out the adoptee was mentioned 42% of the time (16), while 6% (2) said it would be the happiest day of their lives. A wish to explain to the adoptee why he was given up was given 21% of the time (8) and a hope that the adoptee would not blame her was mentioned once.



"Eighty-seven percent (33) of the 38 birth parents interviewed reiterated that they did not wish to hurt the adoptive parents - comments like, 'They are the real parents,' 'I do not want to take the child away from them, I have the greatest respect for what they have done for my child,' 'I will always be grateful to the people who raised my child,' were frequently made. Many indicated that they thought a 'friendship' relationship might develop if the adoptee wished it. None, including those not married (approximately 24%) said that they visualized a parental relationship developing. Those married with children made a point of the fact that they had ties and obligations to their present families, and could not see entering into a parent-child relationship with an adoptee they had relinquished as an infant.

#### "INTEREST IN UPDATING INFORMATION

"When asked if they were interested in updating the information about themselves contained in agency case records, 95% (36) said they were definitely interested in seeing this done. Many pointed out that the information in the files of the adoption agencies described them as mixed-up teenagers, out of step with the rest of society, with little hope of 'making it.' They would like the children they gave up for adoption to know that they had 'made it,' that they are respected citizens in their communities, that they have their own families, that many are happily married and most important that they cared about the children they relinquished. A fear about how they would be received by agencies was expressed by many when asked why they did not take steps to update their records.

"Forty percent (15) of the birth parents said they were satisfied with the information told them about the adoptive parents. The majority or 55% (21) felt that the information given to them was inadequate. Five percent (2) said they had received no information about the adoptive parents. Although many expressed confidence in the fact that good homes had been chosen for their children, almost all of those interviewed expressed an interest in updated information about the adopted parents. Questions such as, 'Are they still married?', 'Did they adopt or have other children?', 'Are they still living?', were frequently on their minds.

#### "FEELINGS ABOUT OPENING THE SEALED RECORDS

"When asked how they felt about opening the sealed records to adult adoptees, 53% (20) said they favored such a step. Only one favored only minimal information being given to the adoptive parents about themselves while the remainder favored giving full background information short of the identifying data (names and addresses). The overwhelming majority 80%





(30) were in favor of establishing mediating boards to investigate the appropriateness of offering and assisting with reunions. Most saw the reunion as a difficult emotional process and said they would welcome any help that could make this easier for them and the adoptee."



## VI. RECOMMENDATIONS

### A. Access to Nonidentifying Information

#### Definition:

Nonidentifying information is to be considered any information other than that which would lead to the identification of a member of a biological family. Information such as personal, social, and medical history is normally considered nonidentifiable. Examples of identifying information are names, addresses, and other details, such as the specific job title of a biological parent.

It is quite difficult to derive a precise distinction between these two kinds of information, given the variability of which might be identifying in individual situations. In some cases the actual delineation between identifying and nonidentifying information must be left to the agency's discretion. The decision, however, should be based solely on a consideration of the identifying or nonidentifying nature of the particular piece of information under consideration, and should not be based on a determination of the positive or negative nature of that information.

In the event the child is an American Indian or an Alaskan native, nonidentifying information would include the tribal affiliation,



either given by the birth parent or obtained through the Bureau of Indian Affairs.

1. Nonidentifying information regarding birth parents, siblings, and extended family:
  - a. All nonidentifying information should be available to adoptive parents in writing. Adoptive parents should be counseled to share this information with their adopted children in appropriate ways and times in a spirit of honesty and openness.
  - b. All nonidentifying information relating to birth parents, siblings, and extended family should be available to adult adoptees with or without adoptive parental consent. This information should be given in the same spirit of honesty and openness. The agency should be available to the adult adoptee for any assistance he may require, at the time he comes to the agency for such information.
  - c. In instances in which an adoptee under the age of majority comes to the agency's attention for help with identity problems, the agency should make efforts to obtain permission from the adoptive parents to give nonidentifying information. However, if this is not possible due to the unavailability of the parents, the agency should be able to act on its own judgment.





- d. All available nonidentifying information regarding the status and well-being of the legally free or adopted children should be made available to biological parents upon request to the extent feasible.
- 2. Uniform nonidentifying information should be obtained by all adoption agencies and the Department of Health in a format specified by the Department.

3. Updating information:

In order to best meet the needs of adoptees, adoptive parents, and birth parents, steps should be taken to:

- a. Update the available information on file in agency records.
- b. Let the parties to adoption, who are seeking information, be aware of available material at their request.
- c. Updating of information should be implemented at the time of any in-person contacts with any of the parties. Publicity should be used to make the communities aware of the value in updating information and its availability to parties to the adoption. At the time of relinquishment or consenting to the adoption, the birth parent should be made aware of the importance of updating information.



B. Access to Identifying Information

1. Adult adoptees (age 18 and over) should have access to:
  - (a) original birth certificates, (b) court records, and
  - (c) upon request, be provided with an abstract of identifying information contained in adoption agency records as specified by the Department of Health.
2. Birth parents should have the right if they so desire to block the release of information from birth certificates, court records, or agency records which would identify them if the adoption took place prior to the effective date of any change in the law. Access to such information in these cases should only be available through a petition to the superior court based on good and compelling cause.
3. Birth parents should not have access to identifying information related to the adoptee or adoptive parents.
4. Adoption agencies, or the Department of Health, should act as an intermediary on behalf of birth parents who are seeking either updated information or who desire to meet with an adoptee over the age of 18. The intermediary should make a reasonable effort to contact the adult adoptee and establish whether he or she would be willing to give information to or be put in contact with the birth parent.





5. The filing of a request or a response to an agency inquiry by an adult adoptee or birth parent not to meet or be contacted should be honored in all cases by the Department or adoption agency.
6. Any proposed change in law should provide sufficient lead time to permit for publication and negative registration by birth parents who wish to retain their privacy.



C. Adoption Records

There are four major record areas:

- (1) Department of Health -- Vital Statistics,
  - (2) Department of Health -- Children Social Services,
  - (3) Adoption agency records, and
  - (4) Court records.
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1. A comprehensive statute should be codified regulating confidentiality and access to adoption records.
  2. Such access should be codified by the Legislature with a mandate to the Director of the Department of Health to establish regulatory standards governing such access.
  3. Access to adoption records for purposes of research should be permitted.
  4. The statute should mandate that the researcher would hold all information contained in strict confidence and that such access would not exempt the researcher from liability should he or she break that confidence.



D. Registration System

1. A state registration system for adult adoptees (age 18 and over) and birth parents desiring to meet or share information should be established.
2. Registration should be limited to parties to an adoption granted in California including the adult adoptee and either or both birth parents.
3. Counseling or assistance should be available upon request through an adoption agency or the Department of Health.
4. There should be no active search by the Department of Health as a part of the registration system, to contact any party to an adoption.
5. Registrants should be able to withdraw from the system at any time.
6. Adult adoptees and birth parents should be able to express by registration their desire not to meet or be contacted.
7. Registrants should be able to indicate the means by which they desire to be contacted in the event there is a matched registration.





8. If a request to meet has been filed by a parent or adoptee and the other party has filed a request not to meet, the party filing the request to meet should be so notified.
9. In all adoptions subsequent to the establishment of such a state registration system, birth parents and adoptive parents should be notified in writing of the system during the adoption process.
10. The registration system should be voluntary, should be supported by a fee system, and the availability of it should be well publicized.



## VII. SUMMARY STATEMENT

The membership of the task force recognize that the major findings of this report and recommendations for implementation, particularly in respect to access to identifying information, represent a significant departure from the past. The conclusions represent a group consensus and are the result of intensive group meetings and heated discussion occurring over a period of several months. Task force members reviewed numerous articles and reports of other such groups struggling with the same issue throughout the United States and in other countries. During the seven months of this task force, a number of events occurred which had an influence on the group deliberation: (1) two state court decisions in New Jersey and New York strongly supported the right of adult adoptees to have information of their origin although stopping short of opening agency records; (2) England implemented a law opening original birth records to adoptees over the age of 18; (3) the Child Welfare League of America adopted revised standards of practice which reaffirmed the value of confidentiality to parties to the adoption but at the same time urged agencies to advise that such confidentiality cannot be assured in the future; (4) major research findings of the Children's Home Society of California were published indicating that out of 1,294 respondents (adult adoptees 288, birth parents 102, and adoptive parents 904) 88.9 percent of the adoptees, 82.4 percent of the birth parents, and 73.1 percent of the adoptive parents supported the right of adult adoptees to have access to their original birth certificates; (5) Los Angeles County Department of Adoption reported that in 1976, 278 adoptees and 247 birth parents contacted the



Department for information and/or assistance in seeking identifying information; (6) state legislation was introduced and passed in Minnesota which would give adult adoptees access to information from their original birth certificates if the birth parents concurred following contact by an adoption agency; (7) the California State Bar announced support for legislation to provide access to identifying information for adult adoptees; and (8) a bill was introduced in the California Legislature by Senator Campbell (Senate Bill 535) to establish a registration system to facilitate the meeting or exchange of information between adult adoptees and birth parents.

One major issue the task force membership acknowledged but did not address is the desire on the part of some adult adoptees to meet and know siblings and other family members. The task force members felt that although this was an extremely important area it should be addressed separately and following the resolution of the basic question regarding the adult adoptees' access to basic identifying information.

The task force membership strongly urges the Department of Health to immediately implement, to the extent possible, the recommendations contained in this report by administrative regulation and to seek to have legislation introduced containing those recommendations which reflect a change in state law.

The task force membership, in recognition of the fact that this issue is of singular importance to so many individuals in the State of California, further urges (a) the social work professional leadership





to take steps to assure that current practice reflects the emerging trend toward more openness in the adoption process; (b) the schools of social work to assure that student interns are conversant with the developing trends and have the skills to meet the demands of adoption practice; (c) the California Association of Adoption Agencies, agency directors, county welfare directors, and the State Department of Health to take an active role in public discussions of this issue so that all facets of the proposed changes can be thoroughly examined and understood.







# The Effects of the Sealed Record in Adoption

BY ARTHUR D. SOŁOSKY, M.D., ANNETTE BARAN, M.S.W., AND REUBEN PANNOR, M.S.W.





# The Effects of the Sealed Record in Adoption

BY ARTHUR D. SOROSKY, M.D., ANNETTE BARAN, M.S.W., AND REUBEN PANNOR, M.S.W.

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*The authors found that 40 of 50 adult adoptees who had reunions with their birth parents found the experience satisfying. Only 10% of the birth parents reacted adversely, although negative responses were somewhat more common among the adoptive parents. These findings confirm the authors' belief that adoption practices, which in all but 4 states include permanent sealing of birth records, should be changed to recognize the life-long nature of adoption. Their recommendations include opening the records for adult adoptees, creation of agencies to be available to provide assistance and counseling for all involved (adoptees, their adoptive parents, and birth parents), and consideration of new adoption methods that would not require biological parents to forever relinquish their child and all knowledge of him/her at adoption.*

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MENTAL HEALTH specialists and adoption agencies are becoming aware of an increasing number of adult adoptees who are expressing questions and concerns about their genealogical background. Some have successfully searched for and experienced reunions with birth relatives from whom they have been separated since infancy. In the past, adoptees tended to suppress such feelings because of reluctance to hurt their adoptive parents or to intrude upon the privacy of their birth parents. This tendency was reinforced by adoption agencies' emphasis on the finality of the adoption process and by psychotherapists who viewed such interests in birth parents as indicative of underlying neurotic conflicts. In recent years, however, adoptees have organized into activist groups that have established a forum for the discussion of such issues and the provision of mutual support for searching for and encountering birth parents (1, 2). These activist groups are also

in the process of bringing civil rights cases into the courts to test the constitutional legality of keeping the adoptee's original birth certificate sealed for life.

The sealed record is symbolic of a whole body of secrecy that grew over a long period of time when there was little self-criticism or evaluation by professionals in the field. Beginning in the late 1940s, laws were passed in most of the states requiring that information identifying birth parents be kept confidential and made available to adult adoptees only through special court order. At the present time, only Alabama, Arizona, Connecticut, and Kansas do not have such laws. Policies are quite different in Scotland (3), Finland (4), and Israel (5), where the legally emancipated adult adoptee, on production of evidence about himself, may have access to his original birth certificate. Also, in England and Wales the Children Act of 1975 provides that people aged 18 years and older may have access to their birth certificates after a mandatory interview with an adoption counselor and that people adopted after November 1975 may have access to their records after they reach 18 years without seeing a counselor.

The controversy over the statutes related to sealed records has aroused considerable interest within the legal profession. Katz (6) emphasized that the decision to give up a child for adoption is irrevocable and that the adoptive parent-child relationship assumes all the characteristics of a natural parent-child relationship. He agrees with Goldstein and associates (7), who believe that every effort should be made to safeguard the developing child's continuity of relationships and environmental influences. Other writers have attempted to weigh the rights of the adoptees as provided by the equal protection clause of the Fourteenth Amendment against the birth parents' and adoptive parents' constitutional rights to personal privacy (8-11).

It became clear to us after consulting numerous adoption agencies and legal experts that there was a need for a study to clarify many of these controversial issues and provide guidelines for the establishment of future adoption policy, both at the agency and court levels. It was our impression that the agencies were totally unprepared for the effect that a constitutional decision in favor of adoptees' rights to their original birth certificates would have on their attitudes and practices. Our research investigation, a collaborative effort between a psychiatrist in private practice and two experienced adoption social workers, began in late 1972.

Revised version of a paper presented at the 128th annual meeting of the American Psychiatric Association, Anaheim, Calif., May 5-9, 1975.

Dr. Sorosky is Clinical Assistant Professor, Department of Psychiatry, Child Division, University of California, Los Angeles, Center for the Health Sciences. Ms. Baran is in private practice and Mr. Pannor is Director of Community Services, Vista del Mar Child Care Service, Los Angeles, Calif. Address reprint requests to Dr. Sorosky at 16661 Ventura Blvd., Suite 806, Encino, Calif. 91436.



## METHOD

Our investigation was greatly facilitated by a number of articles in the lay press that brought the issue of sealed records to the attention of large populations and requested interested readers to write in with their personal experiences and reactions. We then mailed questionnaires regarding the sealed record to all those individuals who responded to these requests and provided forwarding addresses. We arranged to interview those adoptees and birth parents who had already experienced a reunion. Unfortunately, this type of research does not lend itself to a careful scientific design with adequate controls. Furthermore, the study is limited by its dependence on individuals who had enough concern and interest to volunteer for interrogation and investigation. However, we felt that these obstacles should not deter our efforts to clarify issues of great concern to millions of people.

Although our initial research design focused on the sealed record and its implications, it soon became apparent that there was a need to reevaluate the institution of adoption and all of the concepts that had governed professional practice for so long. The sealed record was only the tip of the iceberg. Underneath the tip were many serious issues affecting the welfare of all members of the adoption triangle—adoptees, birth parents, and adoptive parents.

In a previous publication (12) we discussed our impression that adopted persons are vulnerable to the development of identity conflicts in late adolescence and young adulthood as an outgrowth of any of the following developmental difficulties: 1) disturbances in early object relations, 2) complications in the resolution of oedipal conflict, 3) prolongation of the "family romance" fantasy, and 4) "genealogical bewilderment." Interviews with hundreds of birth parents indicated that most of them seemed to be functioning well within marriage and as parents, but harbored deep emotional feelings and sharp memories of bearing and relinquishing a child for adoption (13, 14). Our discussions with adoptive parents revealed that many fear that a liberalization of the adoption statutes would result in a loss of their adopted child to the birth parents, even though there is no evidence to support these feelings (15, 16). It would appear that this anxiety represents a resurgence of the preadoption childless feeling of emptiness and the sense of inadequacy associated with infertility (17).

## RESULTS

We reported previously (18) on our initial 11 cases of reunited adult adoptees and their birth parents. We have now expanded our survey to 50 cases. Our sample consists of 41 female and 9 male adoptees ranging in age from 20 to 77 (median=40), all of whom were adopted early in life by nonrelatives. Thirty-three (66%) had reunions with their birth mothers, 15 (30%)

with both birth parents, and the remaining 2 (4%) with their birth fathers. In 32 cases (64%) additional contact was made with other birth relatives including siblings, cousins, aunts, uncles and grandparents. The adoptees ranged in age at the time of the reunion from 18 to 50 (median=31).

The decision to search for birth parents seems to have been precipitated by such factors as marriage, pregnancy or the birth of a child,  $N=18$  (36%), death of the adoptive parents,  $N=7$  (14%), genealogical concerns,  $N=9$  (18%), late revelation of adoption,  $N=4$  (8%), attaining adult legal status,  $N=1$  (2%), the search for love and acceptance,  $N=2$  (4%), exposure to publicity about the adoptee activist groups,  $N=4$  (8%), and coincidental happenings,  $N=5$  (10%). The length of the search ranged from a few days to 29 years, with a median of 11 months.

Forty-five (90%) of the adoptees were satisfied with the outcome of the reunion. Most reported a sense of closure, resolution of genealogical concerns, and diminished identity conflicts. Forty-one (82%) of the encountered birth parents were positive and accepting and only 5 (10%) reacted adversely to the reunion with their relinquished child. In contrast, many of the adoptive parents had difficulty initially adjusting to the experience. Eighteen (36%) of the adoptive parents were cooperative and understanding, 10 (20%) were mildly upset, and 5 (10%) were quite hurt. In the other cases the adoptive parents had either died or were not told about the reunion in order to spare them from possible pain.

It is interesting that 29 people (58%) discovered striking personality similarities and common interests with their birth relatives. Twenty-five (50%) of the adoptees developed meaningful relationships with their birth parents; 16 (32%) were satisfied to have only periodic contact following the initial visit. In 4 situations (8%) there was a very strained relationship following the reunion and in 3 (6%) there were no further contacts. In the final 2 cases, it is too soon to determine the outcome.

The data do not indicate that a poor relationship with the adoptive parents was a primary reason for making contact with the birth parents. Twenty subjects (40%) reported a good relationship with both adoptive parents and 15 (30%) described a good relationship with at least one of their adoptive parents. There was, however, a trend toward a late, disruptive revelation of the adoption in this group. The median age at which the group learned about their adoptive status was 7 years, but 12 (24%) found out after they were 12 years old. Sixteen (32%) of the adoptees learned about the adoption from persons other than their parents and 22 (44%) described the revelation as a traumatic experience. It seemed to make little difference as to how the adoption was arranged—approximately half of the cases were associated with agencies and the other half with private sources. It may be significant that 30 (60%) of the adoptees were raised as only children in their adoptive homes.





The statistical data and case histories of the adoptees who have successfully searched for their birth parents are in accord with our impression that adoptees are more vulnerable than nonadoptees to the development of identity conflicts in late adolescence and young adulthood. Many of these adoptees seem preoccupied with existential concerns and have a feeling of isolation and alienation resulting from the break in the continuity of life through the generations that their adoption represents. For some, the existing block to the past may create a feeling that there is a block to the future as well. The adoptee's identity formation must be viewed within the context of the life cycle, in which birth and death are linked unconsciously. This is evident in the frequency with which marriage, the birth of a child, or the death of the adoptive parents triggers an even greater sense of interest in the birth parents.

It would appear that very few adoptees are provided with enough background information to incorporate into their developing ego and sense of identity. This is often the result of a reluctance on the part of the adoptive parents to impart known information, especially of a negative nature, that might hurt the child. The adoptees, in turn, are often reluctant to ask genealogical questions because they sense their parents' insecurities in this area. Information given to adoptive couples at the time of adoption is scanty and usually descriptive of an immature, confused adolescent unwed mother and father. Adoptive parents are not provided with follow-up information as to what kind of people the biological parents have become 18 or 20 years later.

The desire for genealogical background information is probably shared by all adoptees, but it can become a burning issue for some, simply because they have bright, curious minds and approach all of life's mysteries in an intelligent, inquisitive manner; their search may have nothing to do with the quality of the adoptive relationship. This is not to say, however, that there are no adoptees who have an obsessive need to search for their birth parents because of neurotic problems or an emotionally barren relationship with their adoptive parents. We have encountered many adoptees who are perpetual searchers, always stopping short of a reunion. The search itself (along with the associated fantasies) is the significant process serving to hold their personalities together. It would appear that these individuals would almost prefer to live with their fantasies, a prolongation of the classic family romance theme, than to face the reality of a possibly disillusioning reunion with the birth parent.

The preponderance of only children in the sample suggests that a sense of loneliness and isolation in childhood may be another contributing factor in some of the cases. The trauma resulting from an uncomfortable or delayed revelation of adoption is yet another reason for the development of deep identity conflicts.

What stands out most when we review the data, however, are the positive benefits the majority of the adoptees gain from the successful search. Few regretted the experience, and many were enriched by a new meaningful relationship with their genealogical forebears. More significantly, most reported a deeper sense of love and appreciation for their adoptive parents, whom they viewed as their true "psychological parents." Although some of the adoptive parents were upset and hurt by the reunion, permanent damage to the adoptive family relationship resulted in only a few cases. For the majority of the birth parents, the experience provided an opportunity to resolve old guilt feelings and to erase years of questioning about the fate of their relinquished child.

We believe it is time to reevaluate our current adoption policies in light of our new knowledge and awareness in this area. The premise that has governed the philosophy and practice in the field of adoption has been that the relinquishment of a child by his/her birth parents permanently severs all ties between them. Although the present standards of anonymity were developed as a safeguard to all of the parties involved in adoption, they may, in fact, have been the cause of insoluble problems.

We need to recognize that birth parents, especially mothers, have probably not resolved their feelings about giving up for adoption a child they have been told they can never see again. We must also recognize that adoptees may feel a greater lack of biological connection and continuity than has been realized in the past. Furthermore, the aura of secrecy has probably been more of a burden than a protection to adoptive parents. Adoption agencies have insisted that adoptees be told early and clearly about their adoption, yet they have provided little help to adoptive parents in dealing with the complicated feelings arising out of their adopted child's dual identity and they have not educated parents to understand and accept as non-threatening their child's concerns and curiosity about genealogy.

It is our conviction that adult adoptees should have access to their birth records, if they so desire, when they reach the age of 18. In Scotland, Finland, and Israel this option has not been widely exercised by adoptees, and most of those who did obtain their records have been satisfied with the additional information provided, without feeling a need to search further. For those adoptees who are determined to find their birth parents, the information available in the original birth records may not be sufficient. In order to avoid situations wherein adoptees spend agonizing years and large sums of money tracking down trivial clues, we would support the idea of regional reunion registries, where adoptees and birth parents could express their interest in a reunion with the other.

In order for the registry to be efficient, it should operate in conjunction with a professional mediating and counseling board composed of mental health specialists (psychiatrists, psychologists, and adoption social





workers) and representatives from each sector of the adoption triangle—adoptees, adoptive parents, and birth parents. The board would provide necessary assistance and counseling to all persons involved in or affected by an adoption reunion. Whenever a request was made by either an adult adoptee or a birth parent, attempts would be made to contact the person sought. The board could also serve an arbitration function when one party desires a reunion and the other is resistant.

The role of the birth parents after the culmination of the adoption proceedings must be reconsidered. Birth parents have always had a more direct involvement with adoptive parents in private adoptions than in agency-arranged adoptions. There are healthy aspects to this policy that should be studied more carefully by adoption agencies. Allowing the birth and adoptive parents to meet one another at the time of the adoption enables both to assume a better reality position and diminishes the chances that either will have to resort to denial or projection to deal with the proceedings. We also feel that adoptive parents should be provided with continuing reports of the birth parents' welfare by the original adoption agency. The adoptive parents can use the information to answer their children's inevitable questions and thus minimize the chances that the adoptee will resort to excessive fantasizing in an attempt to fill in identity lacunae. Information should also be made available to the birth parents about their child's progress and development.

There are fewer babies available for adoption today as a result of improved contraception, liberalized abortion laws, and an increasing tendency for unwed mothers to keep and raise their children. In a previous presentation we discussed the concept of "open adoption," defined as "an adoption in which the birth parent meets the adoptive parents, participates in the separation and placement process, relinquishes all legal, moral and nurturing rights to the child, but retains the right to continuing contact and knowledge of the child's whereabouts and welfare" (19). This special type of arrangement, which should not be confused with opening the sealed records, would make a number of children available for adoption in those cases where the birth parents are unwilling to cut all ties to the child. Such an arrangement could never be expected to replace the traditional adoption, but it is our impression on the basis of the few open adoptions we have studied that it deserves serious consideration.

## CONCLUSIONS

Professionals in the mental health field need to realize that past adoption practices have led to numerous psychological problems for adoptees, birth parents, and adoptive parents. Future adoption practices should address the continuing needs of individuals placed for adoption in the past and of their birth parents and adoptive parents, as well as develop a cre-

ative and open approach to meet the challenges of the future.

We recommend that the following changes be considered:

1. Opening the original birth records to adult adoptees and providing background and identifying information when requested.
2. Establishing appropriate agencies that would be available to intercede on behalf of those adult adoptees or birth parents who wish to effect a reunion.
3. Continuing commitment by adoption agencies to all members of the adoption triangle for as long as necessary, including the provision of viable, current information to any of these parties. This involves reestablishment and continuation of contact by the agency with the adoptive family and the birth parents.
4. Counseling services which recognize that adoption is a life-long process.
5. Consideration of new adoption alternatives to provide stable homes and families for children who would not be relinquished otherwise.

Above all, it is essential for us to realize that openness and honesty must replace the secrecy and anonymity that have prevailed in adoption practices. We hope that the controversy over sealed records, which has brought these issues to the fore, will enable us to develop sounder practices to meet both past and future needs of millions of people whose lives are touched by adoption.

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# Children Act 1975

CHAPTER 72

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(9) Sections 9 and 10(1) (ascertainment of nationality, and internal law of foreign country) of the Adoption Act 1968 shall apply with any necessary modifications for the purposes of this section as they apply for the purposes of that Act. PART I  
1968 c. 53.

25.—(1) Where on an application made in relation to a child by a person who is not domiciled in England and Wales or Scotland an authorised court is satisfied that he intends to adopt the child under the law of or within the country in which the applicant is domiciled, the court may, subject to the following provisions of this section, make an order vesting in him the parental rights and duties relating to the child. Adoption  
of children  
abroad.

(2) The provisions of this Part relating to adoption orders, except sections 8(1), (9) and (10), 10(2), 11(2), 14 to 16, 19, 22(1), 23 and 24, shall apply in relation to orders under this section as they apply in relation to adoption orders subject to the modification that in section 9(1) for "19" and "13" there are substituted "32" and "26" respectively.

(3) Sections 20 to 23 and 24(4) and (5) of the 1958 Act shall apply in relation to an order under this section as they apply in relation to an adoption order except that any entry in the Registers of Births, the Register of Births or the Adopted Children Register which is required to be marked in consequence of the making of an order under this section shall, in lieu of being marked with the word "Adopted" or "Re-adopted" (with or without the addition of the word "(Scotland)" or "(England)") be marked with the words "Proposed Foreign Adoption" or "Proposed Foreign Re-adoption", as the case may require.

(4) References in Parts III and IV of the 1958 Act to an adoption order include references to an order under this section, and references in this Act and in the 1958 Act to the placing of children for adoption or to the making of arrangements for adoption include references to the placing of children for adoption abroad or the making of arrangements for adoption abroad.

#### *Amendments of Adoption Act 1958*

26.—(1) In section 20 of the 1958 Act, in subsection (5), after the word "except" there are inserted the words "in accordance with section 20A of this Act or ". Obtaining of  
birth certificate  
by adopted  
person.

(2) The following section is inserted in the 1958 Act after section 20:—

"Disclosure  
of birth  
records of  
adopted  
persons.

20A.—(1) Subject to subsections (4) and (6) of this section the Registrar General shall on an application made in the prescribed manner by an adopted person a record of whose birth is kept by the Registrar General and who has attained the age of 18 years





## PART I

1949 c. 76.

supply to that person on payment of the prescribed fee (if any) such information as is necessary to enable that person to obtain a certified copy of the record of his birth.

(2) On an application made in the prescribed manner by an adopted person under the age of 18 years a record of whose birth is kept by the Registrar General and who is intending to be married in England or Wales, and on payment of the prescribed fee (if any), the Registrar General shall inform the applicant whether or not it appears from information contained in the registers of live births or other records that the applicant and the person whom he intends to marry may be within the prohibited degrees of relationship for the purposes of the Marriage Act 1949.

(3) It shall be the duty of the Registrar General and each local authority and approved adoption society to provide counselling for adopted persons who apply for information under subsection (1) of this section.

(4) Before supplying any information to an applicant under subsection (1) of this section, the Registrar General shall inform the applicant that counselling services are available to him—

- (a) at the General Register Office ; or
- (b) from the local authority for the area where the applicant is at the time the application is made ; or
- (c) from the local authority for the area where the court sat which made the adoption order relating to the applicant ; or
- (d) if the applicant's adoption was arranged by an adoption society which is approved under section 4 of the Children Act 1975, from that society.

(5) If the applicant chooses to receive counselling from a local authority or an adoption society under subsection (4) the Registrar General shall send to the authority or society of the applicant's choice the information to which the applicant is entitled under subsection (1).

(6) The Registrar General shall not supply a person who was adopted before the date on which the Children Act 1975 was passed with any information

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## PART I

under subsection (1) of this section unless that person has attended an interview with a counsellor either at the General Register Office or in pursuance of arrangements made by the local authority or adoption society from whom the applicant is entitled to receive counselling in accordance with subsection (4).

(7) In this section "prescribed" means prescribed by regulations made by the Registrar General."

27. In section 22 of the 1958 Act—

- (a) the following words are added at the end of subsection (4)—

"or a local authority or an approved adoption society which is providing counselling, under subsection (4A) of this section, for that adopted person.";

- (b) the following subsections are inserted after subsection (4)—

"(4A) Where the Registrar General for Scotland furnishes an adopted person with information under subsection (4) of this section, he shall advise that person that counselling services are available—

- (a) from the local authority for the area where the adopted person lives; or

- (b) if the adopted person's adoption was arranged by an adoption society which is approved under section 4 of the Children Act 1975, from that society,

and it shall be the duty of such local authority and approved adoption society to provide counselling for adopted persons who have been furnished with information under subsection (4) and who apply to them for counselling in respect of that information.

(4B) Where an adopted person has arranged to receive counselling under subsection (4A), the Registrar General for Scotland shall, on receipt of a request from the local authority or adoption society which is providing that counselling, and on payment of the appropriate fee, send to the authority or society an extract of the entry relating to the adopted person in the Register of Births."

Counselling in Scotland for adopted person seeking information about his birth.











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